

**VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN**

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, June 7, 2010

President Arvid Petersen called the monthly meeting of the Village Board to order at 5:34 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call vote: President Arvid Petersen, Cindy Wilson, Micki O'Connell, George Spadoni

Trustees late: Peg Pollitt (arrived at 5:38 pm), Tom McGreevy (arrived at 5:57 pm)

Trustee absent: Pat Kenny

Also present: Jim and Megan Feeney, Administrator/Treasurer Kelly Hayden, Rob Ireland, Bill King, Library Director Nancy Krei, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Building Inspector/Zoning Administrator Ron Nyman, Sharon O'Brien, Ed Snyder, Eddie Snyder, Village Attorney Dale Thorpe, Dennis Tweedale, Jill Wegner, Carol Whowell, Public Works Director Craig Workman

Visitors Heard

League of Wisconsin Municipalities Mutual Insurance Program Official's Liability DVD Presentation – LWMMI CEO Dennis Tweedale; Village Insurance Agent Bill King

Tweedale stated that he appreciates the Village Board's invitation to again present the League of Wisconsin Municipalities Mutual Insurance Program DVD on public official's liability issues. Tweedale stated that the DVD provides direction on avoiding intentional acts that could land the Village in federal court. Tweedale also distributed "Seven Tips You Can Use Tomorrow" that he prepared with attorney Raymond Pollen. King distributed a 12-page document that provides information on frequently asked questions regarding municipal insurance coverage issues.

Presentation

Certificates of Appreciation for Shabbona Path Eagle Scout Project

President Petersen stated that the Village wanted to provide special recognition to Boy Scout Daniel Freitag, Troop 234 and the Big Foot High School football team members who were organized by Freitag to complete the Shabbona Path construction project. Petersen stated that since Trustee Wilson spearheaded the project, he would like her to present the certificates, which states: "In recognition and appreciation for your Eagle Scout Project coordination efforts and volunteer construction services provided to the Village of Fontana on Geneva Lake May 15 & 16, 2010 in completing the Shabbona Path Project. Special recognition is hereby bestowed on the volunteer group organized by Boy Scout Daniel Freitag, which includes fellow Boy Scouts Nick Dixon, Quentin Arnold, Olinh Craig, Thallin Baker, Chris Hansen and Greg Kovarik; and Big Foot High School Football Team members David Luczak, Tyler Santeler, Garrett Cary, Kyle Collins, Jordan Gottman, Carter Hehr, Lucas Swank, Dean Smith, David Horowitz, Matt Ripkey, Shaun Sovsky, Austin Snudden, Randy Janes, Gus Wedig, Steven Schauf, Daniel Gilstrap, Mike Kunes and Luke Kahl." Wilson stated that she also wanted to thank Craig Workman and the Public Works Department, the adult volunteers and neighbors who helped out, and in particular, Engineer Dale Broeckert for coming up with the Eagle Scout Project idea and making the initial contact with Freitag.

Announcements

1. Big Foot Recreation Movie Nights at the Fontana Beach – **Saturdays, June 12 & 26, 2010, Dusk**
2. Library Board Meeting – **Wednesday, June 16, 2010, 10:00 am**
3. Plan Commission Staff Meeting – **Wednesday, June 16, 2010, 1:00 pm**
4. Park Commission Meeting – **Wednesday, June 16, 2010, 6:00 pm**
5. Evening Book Club at the Fontana Library – **Thursday, June 17, 2010, 5:30 pm**

6. Village Assessor Office Hours at Village Hall – **Friday, June 18, 2010, 10:00 am to 2:00 pm**
7. Book Signing Event at Library with Judith Rolfs – **Tuesday, June 22, 2010, 6:30 pm**
8. Lakefront and Harbor Committee Meeting – **Wednesday, June 23, 2010, 4:30 pm**
9. Plan Commission Monthly Meeting – **Monday, June 28, 2010, 5:30 pm**
10. Finance Committee Meeting – **Wednesday, June 30, 2010, 6:00 pm**
11. Village Board Monthly Meeting – **Monday, July 5, 2010, 6:00 pm**

Approval of Minutes

Trustee Spadoni/Trustee O’Connell 2nd made a MOTION to approve the minutes for the meetings held May 3, 2010, May 10, 2010 and June 1, 2010 as presented, and the MOTION carried without negative vote.

Village Treasurer’s Report, Cash Flow Statement, Vendor Report, & Payroll Overtime Report

The treasurer’s report for May 2010 and the current Cash Flow Statements, Vendor Report and Payroll Overtime Report were distributed.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to acknowledge the receipt of the May 2010 treasurer’s reports and the current Cash Flow Statement and to place them on file for the audit. The MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Village and Utility Payables as distributed and presented at the meeting, and the MOTION carried without negative vote.

General Business/Administrator’s Report – President Petersen/Administrator-Treasurer Hayden

Proposed Amendments to Municipal Code Section 14-65, Fee Schedule

Hayden stated that the amendment is being proposed to add a \$100 fee for newly required annual occupancy inspections for rental properties. McCarthy stated that she has been working with the state to bring the village into compliance with the new UDC Code requirements.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Ordinance 06-07-10-01 as presented, and the MOTION carried without negative vote.

Boiler Replacement New Quote

Workman stated that bids have been solicited from four contractors for the boiler replacement project, which has been revised from the initial plan. The Village is seeking bids to replace the old boiler with a high-efficiency unit. Workman stated that a new high-efficiency unit will save the Village money over time. Workman stated that the bids are due Friday, June 11, 2010.

Amend Parking Ordinance Adopted March 1, 2010

Hayden stated that it was realized Memorial Day weekend that the recent amendments to the no parking zones missed one block and incorrectly added one other block of Douglas Street.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Ordinance 06-07-10-02 as presented, and the MOTION carried without negative vote.

Grant Application Authorization Policy

Hayden stated that the policy enacted a few years ago that requires village staff to be preauthorized to file applications for grant programs has cost the village a chance to apply for some grants. Hayden stated that sometimes the time period between when the Village staff is made aware of a possible grant and the deadline for applications prevents the Village from submitting applications. Petersen stated that the Village Board can always vote to turn down a grant even though an application has been submitted for consideration.

Trustee Spadoni/Trustee Pollitt 2nd made a MOTION to rescind the grant application authorization policy, and the MOTION carried without negative vote.

Parking Meter and Fee Modification

Hayden stated that it will cost the Village \$4,000 in parts to change the old parking meters in the

beach parking lot and the employee parking lot on the other side of Fontana Boulevard over to \$1 an hour, from the previous 50 cents an hour. The parking meter and pay for space charges were recently set at \$1 an hour by the Village Board. Workman stated that the DPW staff would need several weeks to manually switch the gears in the parking meters. Hayden stated that the Village Board had to determine if it was worth the cost and manpower to switch the meters over when they most likely will be replaced after this season. Following discussion, the Village Board members reached a consensus that the fees and charges should be amended to set the parking meter fee at 50 cents an hour for the beach parking lot and the employee parking lot on the other side of Fontana Boulevard. Trustee O'Connell/Trustee Spadoni 2nd made a MOTION to approve Resolution 06-07-10-01 as presented, and the MOTION carried without negative vote.

Protection Committee – Trustee Pollitt

Approval of Published Liquor License Applications for 2010-2011

Martin stated that the required background checks and premises inspections were completed and the applicants all have active Wisconsin Seller's Permits that are in good standing. In his report, Chief Olson stated that all the establishment liquor license agents were briefed on the new no smoking law that goes into effect July 5, 2010.

Abbey Provident Hotel Manager, LLC, d/b/a The Abbey Resort, located at 269 Fontana Blvd., RENEWAL "CLASS B" BEER and "CLASS B" LIQUOR license. Agent: Timothy G. Somerville, 528 Jefferson Street, Lake Geneva, WI.

There were no issues following the completion of the required inspections and the premises serving area is the same as previous years.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Renewal application filed by Abbey Provident Hotel Manager, LLC, d/b/a The Abbey Resort, located at 269 Fontana Blvd., "CLASS B" BEER and "CLASS B" LIQUOR license, and the Agent: Timothy G. Somerville, 528 Jefferson Street, Lake Geneva, WI, with the condition that the license not be issued until the application process has been completed and all fees paid. The MOTION carried without negative vote.

Abbey Springs, Inc., located at 1 Country Club Drive, RENEWAL "CLASS B" BEER and "CLASS B" LIQUOR license. Agent: Nancy Dlabal, 439 Frost Drive, Williams Bay, WI.

There were no issues following the completion of the required inspections and the premises serving area is the same as previous years.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Renewal application filed by Abbey Springs, Inc., located at 1 Country Club Drive, "CLASS B" BEER and "CLASS B" LIQUOR license, and the Agent: Nancy Dlabal, 439 Frost Drive, Williams Bay, WI, with the condition that the license not be issued until the application process has been completed and all fees paid. The MOTION carried without negative vote.

Big Foot Country Club, Inc., located at 770 Shabbona Drive, RENEWAL "CLASS B" BEER and "CLASS B" LIQUOR license. Agent: Philip E. Lane, 547 Pheasant Ridge Lane, Fontana, WI.

There were no issues following the completion of the required inspections and the premises serving area is the same as previous years.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Renewal application filed by Big Foot Country Club, Inc., located at 770 Shabbona Drive, "CLASS B" BEER and "CLASS B" LIQUOR license, and the Agent: Philip Lane, 547 Pheasant Ridge Lane, Fontana, WI, with the condition that the license not be issued until the application process has been completed and all fees paid. The MOTION carried without negative vote.

Chucks Lakeshore Inn, Inc., P.O. Box 170, located at 352 Lake Street, RENEWAL "CLASS B" BEER and "CLASS B" LIQUOR license. Agent: Carol J. Whowell, W6267 Willow Bend Road, Walworth, WI.

There were no issues following the completion of the required inspections and the premises serving area is the same as previous years.

Trustee Spadoni/Trustee O'Connell 2nd made a MOTION to approve the Renewal application filed by Chucks Lakeshore Inn, Inc., P.O. Box 170, for the premises located at 352 Lake Street, "CLASS B" BEER and "CLASS B" LIQUOR license, and the Agent: Carol J. Whowell, W6267 Willow Bend

Road, Walworth, WI, with the condition that the license not be issued until the application process has been completed and all fees paid. The MOTION carried without negative vote.

Country Club Estates Golf Association, located at 365 Pottawatomie Drive, RENEWAL CLASS "B" BEER and CLASS "C" WINE license. Agent: Scott Berg, 1093 Sauganash Drive, Fontana, WI.

There were no issues following the completion of the required inspections and the premises serving area is the same as previous years.

Trustee O'Connell/Trustee Spadoni 2nd made a MOTION to approve the Renewal application filed by the Country Club Estates Golf Association, located at 365 Pottawatomie Drive, CLASS "B" BEER and CLASS "C" WINE license, and the Agent: Scott Berg, 1093 Sauganash Drive, Fontana, WI, with the condition that the license not be issued until the application process has been completed and all fees paid. The MOTION carried without negative vote.

Fontana Corner Market, Inc., 1414 Geneva National Avenue N., Lake Geneva, WI 53147, d/b/a Fontana Corner Market, located at 286 Valley View Drive, Fontana, WI, 53125, RENEWAL CLASS "A" BEER and "CLASS A" LIQUOR license. Agent: Kathleen M. Ketterhagen, 1414 Geneva National Avenue N., Lake Geneva, WI.

There were no issues following the completion of the required inspections and the premises serving area is the same as previously approved.

Trustee O'Connell/Trustee Spadoni 2nd made a MOTION to approve the Renewal application filed by Fontana Corner Market, Inc., 1414 Geneva National Avenue N., Lake Geneva, WI 53147, doing business as Fontana Corner Market, located at 286 Valley View Drive, Fontana, WI, 53125, CLASS "A" BEER and "CLASS A" LIQUOR license, and the Agent: Kathleen M. Ketterhagen, 1414 Geneva National Avenue N., Lake Geneva, WI, with the condition that the license not be issued until the application process has been completed and all fees paid. The MOTION carried without negative vote.

GBC Hospitality, Inc., DBA: Georgie B's Restaurant, for the premises located at 441 Mill Street, Suite 102, RENEWAL CLASS "B" BEER and "CLASS C" WINE license. Agent: Pamela B. Carper, 1040 Tolman Street, Lake Geneva, WI.

There were no issues following the completion of the required inspections and the premises serving area is the same as previously approved. GBC Hospitality also applied for an Original Class B liquor license and the application was published, but the Village has issued all of the available Class B liquor licenses under the state mandated quota at this time, so there is no Class B liquor license available.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Renewal application filed by GBC Hospitality, Inc., doing business as Georgie B's Restaurant, for the premises located at 441 Mill Street, CLASS "B" BEER and "CLASS C" WINE license, and the Agent: Pamela B. Carper, 1040 Tolman Street, Lake Geneva, WI, with the condition that the license not be issued until the application process has been completed and all fees paid. The MOTION carried without negative vote.

Gordy's Boat House, Inc., located at 336 Lake Street, RENEWAL "CLASS B" BEER and "CLASS B" LIQUOR license. Agent: Trallee Whowell Chupich, N1844 Six Corners Road, Walworth, WI.

There were no issues following the completion of the required inspections and the premises serving area is the same as previous years.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Renewal application filed by Gordy's Boat House, Inc., located at 336 Lake Street, "CLASS B" BEER and "CLASS B" LIQUOR license, and the Agent: Trallee Whowell Chupich, N1844 Six Corners Road, Walworth, WI, with the condition that the license not be issued until the application process has been completed and all fees paid. The MOTION carried without negative vote.

Lake Geneva Yacht Club, located at 1250 South Lakeshore Drive, RENEWAL CLASS "B" BEER and CLASS "C" WINE license, Agent: Tim Wedell, 149 Third Avenue, Fontana, WI.

There were no issues following the completion of the required inspections and the premises serving area is the same as previous years.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Renewal application filed by the Lake Geneva Yacht Club, located at 1250 South Lakeshore Drive, CLASS "B" BEER and CLASS "C" WINE license, and the Agent: Tim Wedell, 149 Third Avenue, Fontana, WI, with the condition that the license not be issued until the application process has been completed and all fees

paid. The MOTION carried without negative vote.

Novaks' of Fontana, LLC for the premises located at 158 Fontana Boulevard, d/b/a Novaks', RENEWAL "CLASS B" BEER and "CLASS B" LIQUOR license. Agent: Peter Novak, 731 Arrowhead Drive, Fontana WI.

There were no issues following the completion of the required inspections and the premises serving area is the same as previously approved. Nyman reported that minor electrical issues were corrected at Novak's, and exiting requirements, which had been a problem in the past, are currently being met. Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Renewal application filed by Novaks' of Fontana, LLC for the premises located at 158 Fontana Boulevard, d/b/a Novaks', "CLASS B" BEER and "CLASS B" LIQUOR license, and the Agent: Peter Novak, 731 Arrowhead Drive, Fontana WI, with the condition that the license not be issued until the application process has been completed and all fees paid. The MOTION carried without negative vote.

Richard C. Rosenow, DBA: Park Place, LLC, for the premises located at 268 Reid Street, RENEWAL "CLASS B" BEER and "CLASS B" LIQUOR license. Agent: Richard Rosenow, W1865 Huntington Drive, Lake Geneva, WI.

Martin stated that the premises description on the application includes the upper level and an outdoor patio that was previously denied because the required remodeling has not been completed, and Village of Fontana Building and Zoning Department permitting conditions have not been met. Chief Olson's inspection report states that the renewal application did not explain the change in question 7c; it listed the main area upstairs and the outdoor deck to be serving areas and those areas were not inspected; and the applicant agreed that an employee door located at the east end of the bar will be locked at all times to prohibit unauthorized access to coolers. There were no other issues following the completion of the required inspections on the lower level of the building. Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Renewal application filed by Richard C. Rosenow, DBA: Park Place, LLC, for the premises located at 268 Reid Street, "CLASS B" BEER and "CLASS B" LIQUOR license, and the Agent: Richard Rosenow, W1865 Huntington Drive, Lake Geneva, WI, with the condition that the premises serving area is only the lower level. The MOTION carried without negative vote. President Petersen abstained.

Approval of Operator's Licenses for 2010-2011

President Petersen stated that he would entertain a motion to approve the Renewal and New applications filed for Operator's Permits for the licensing period from July 1, 2010 through June 30, 2011 for all of the applications that were recommended for approval following background checks completed by the Fontana Police Department.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Operator's License renewal and new applications for the following applicants, with the condition that the licenses not be issued until the application process has been completed and the fees paid: **Abbey Marina employees** Cody G. Brugger, Edwin L. Snyder, IV, Kathryn L. Snyder and Kelsey F. Martin; **Abbey Resort employees** Gregory L. Bonhotal, Emile D. Bouchez, Chase D. Brugger, Christine A. Gollwitzer, Kristine J. Granahan, Bonnie K. Jester, Jennifer A. Johnson, Irena Kazaniwskyj, Michael A. Lucero, Shawn K. McGuire, Maria G. Rios, Jenna R. Schultz, Marilyn C. Shepherd, Marlene M. Stang, Colleen A. Sullivan, Megan M. Barry, Brandon L. Coulman, Kaitlin A. Haag and Amanda J. Lovell; **Abbey Springs employees** Megan E. Banaszynski, Becky J. Brunner, Daniel J. Dlabal, Michael P. Koehnke, Ashley M. Pieters, Cindy K. Tabor-Rogers, David J. Vreeke, Ciera R. Banaszynski, Marion M. Cuculi, Rachel R. Deluca, Ferenc J. Hausner, Deborah A. Ismail, Breanna H. Kuehn and Virginia L. St. Louis; **Big Foot Country Club employees** Walter L. Erhard, Loretta J. Fox, Lonn T. Gellerman, Pamela J. Keeler, Kim Luettgen, Eric A. Stauffacher and Rodney A. Wright; **Chuck's Lakeshore Inn employees** Jack C. Brown, Michael T. Brown, Gregg C. Christenson, Vickie S. DeGryse, Keith C. Edwards, John C. Friestad, Julie G. Friestad, Roy A. Hanson, Julie K. Ieronimo, Thomas S. Judd, Jacob J. McHugh, Rebecca R. Millar, Kim E. Minette and June A. Ebert; **Country Club Estates Golf Course employees** Linda M. Fortino, Katlyn J. Kebbekus, Maria L. Kebbekus, Joanne K. Johnson and Gail D. Nelson; **Fontana Corner Market employees** Mari-Lyn E. Arriola, Nicole R. Carroll, Mary A. Chamberlain, Tanya L. Roberts, Alyssa M. Aavang and George W. Taylor; **Georgie B's Restaurant employees** Chad B. Carper and Cheryl A. Heule; **Gordy's Boat House employees** David R. Blizzard, Melissa S. DeBuck, Kelley L. Faytle, Spencer M. Kronz, Philip R. Porter, Kimberly A. Ries, Jeffery D. Robbins, Joseph R. Wehrenberg, Steele G. Whowell, Thomas G. Whowell,

Ross P. Wiemer, Tigrr T. Workman, Tyler C. August, Laura K. Brechon, Eileen E. Hopkins, Ryan P. Nutt, Renee M. Perenchio and Michelle M. Rowley; **Lake Geneva Yacht Club employees** Daniel D. Lipinski and William N. Wippich; **Novak's Deli employees** Collin K. Kearney, Deborha A. Sawtelle and John J. Karabas; and **Park Place employee** Stephen Fairchild. The MOTION carried without negative vote.

Recommendation for Denial of Operator's License Application

Chief Olson had three concerns arise during the background check for the Operator's License renewal application filed by Lyle Kula, an employee at the Big Foot Country Club. Village Attorney Dale Thorpe reviewed the application, the state statutes and the Municipal Code and recommended against non-renewal at this time.

Trustee Spadoni/Trustee Wilson 2nd made a MOTION to approve the Operator's License renewal application filed by Lyle Kula, an employee at the Big Foot Country Club, based on the Village attorney's opinion dated June 7, 2010. The MOTION carried without negative vote.

Chief Olson also had concerns arise during the background checks for Operator's License new applications filed by Marcy Eifert, an employee at Fontana Corner Market, and Christopher Parker, an employee at the Abbey Resort. The Village Board members decided to refer the two applications to Thorpe for review and a recommendation.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to table the applications filed by Marcy Eifert and Christopher Parker, and the MOTION carried without negative vote.

Proposal to Increase Fines for Obstruction of Justice Violations

Chief Olson stated that the Protection Committee recommended raising the base forfeiture amount for obstruction of justice violations to \$500 in order to be more in line with the other municipalities in the county.

Trustee Spadoni/Trustee McGreevy made a MOTION to table the item until the recommendation is formatted into an ordinance amendment, and the MOTION carried without negative vote.

Appointment to Replace David Eshoo

Trustee Pollitt stated that David Eshoo has not attended a Protection Committee meeting since July 2008, so the committee approved a motion to recommend that he be replaced as a member of the committee. The committee recommended the appointment of David Johanson, 430 Myrtle Avenue. Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to remove David Eshoo from the Protection Committee and to approve the appointment of David Johanson, 4230 Myrtle Avenue, to the Protection Committee to take the position of Eshoo. The MOTION carried without negative vote.

Public Works – Trustee McGreevy

Final Pay Order No. 8 & Change Order No. 3 Submitted for Timber Trail Drive and Indian Hills Road Reconstruction Contract

Workman stated that the initial project was completed in 2008, but the contract was held open in case the Timber Ridge lift station abandonment work could have been added to the project.

Workman stated that there were too many issues to work out the additional work, and now the Timber Ridge Lift Station abandonment project is being bid separately. The Pay Order No. 8 totaling \$5,000 submitted by Reesman's Excavating & Grading, Inc. totals \$5,000, and the contract closeout change order calls for a \$66,235 decrease in the contract. The total contract price for the project ended up at \$781,522. Workman stated that approval was recommended by the Village engineer.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the \$5,000 Pay Order No. 8 submitted by Reesman's Excavating & Grading, Inc., and Change Order No. 3 for the Timber Trail Drive and Indian Hills Road Contract as recommended, and the MOTION carried without negative vote.

Road Excavations Ordinance Proposal

Workman stated that the proposed ordinance increases the bond requirement for construction projects from a \$1,000 cash deposit to a \$15,000 bond. Following discussion it was determined that the proposed ordinance still has not been reviewed by Thorpe with regard to the definition of excavations and if the ordinance also can regulate private roads.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to table the item, and the MOTION

carried without negative vote.

Sauganash Drive Construction Contract Pay Request No. 4

Workman stated that the \$47,581 Pay Order No. 4 submitted by Mann Brothers, Inc. for the Sauganash Drive Construction Contract has been reviewed and approval is recommended. Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve the \$47,581 Pay Order No. 4 submitted by Mann Brothers, Inc. for the Sauganash Drive Construction Contract as recommended, and the MOTION carried without negative vote.

2009 Sewer Compliance Maintenance Report and Resolution Approval

Workman stated that the compliance maintenance report and resolution are an annual requirement of the Wisconsin Department of Natural Resources. Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Resolution 06-07-10-02 as presented, and the MOTION carried without negative vote.

Lot 2 Paving Proposals (From Main Lift Demolition)

Workman stated that there is a patch of gravel where the old main lift station used to be located and it needs to be addressed because people are parking automobiles in the area, which is adjacent to the village parking lot on the west side of Fontana Boulevard across the street from the beach parking lot. Workman stated that the Village should prepare the area for planting grass or have it paved. Workman stated that the Public Works Committee recommends having the area paved so that 10 additional metered parking stalls can be added to the lot. Workman stated that there are old parking meters available from Third Avenue that could be installed in the new area. Wilson asked if a permeable surface should be considered for the area since it is located on the lakefront and new paving will add to the stormwater run-off. Workman stated that using a permeable surface material would triple the project cost. Workman stated that he received bids for the paving proposal from Aftermath Paving, Linn Township, \$4,937; Wolf Paving Company, Sun Prairie, \$7,484; and B.R. Amon & Sons, Inc., Elkhorn, \$9,128. Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the low bid submitted by Aftermath Paving, Linn Township, totaling \$4,937 for the paving project in the Village parking lot located adjacent to the Abbey Harbor on Fontana Boulevard, and the MOTION carried without negative vote.

Plan Commission – Trustee Spadoni

Proposed Amendments to Sections 17-7, 18-17, 18-33, 18-80 and 18-90 Regarding Prohibition of Boat Houses

Spadoni stated that the proposed amendments prohibit the construction of new boat houses in the RS-1 Zoning District and also address inconsistencies in the 50-foot setback requirement. The Plan Commission recommended approval of the ordinance amendments as presented at a June 1, 2010 public hearing.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Ordinance 06-07-10-03 as recommended, and the MOTION carried without negative vote.

Building, Site and Operational Plan Amendment Filed by Abbey Harbor Condominium Association for Gas Tank Relocation Proposal

Spadoni stated that the Plan Commission recommended approval of the BSOP amendment to have the gas tank reinstalled in its initial location, with the condition that a contractual document from the Abbey Resort Condominium Hotel Association that authorizes the Abbey Harbor Condominium Association to locate the gas tank on its property was filed with the Village prior to the June 7, 2010 Village Board meeting. Thorpe stated that he was informed prior to the meeting that there are still issues to be resolved between the Abbey Resort and Abbey Harbor associations and the discussions are ongoing. Thorpe stated that if so inclined, the Village Board could consider a motion to approve the proposal subject to the receipt of an agreement or permission document between the two associations. Thorpe stated that he also was informed that the two associations are discussing a six-year lease, but the Village zoning approval should not contain a lapsing clause. Thorpe stated that the Village should only consider the zoning issue, and the lease between the two associations would become a trespassing issue if it is not renewed or extended after the initial six-year period. Thorpe

distributed a proposed resolution that amends the unified site plan for the Abbey property. Pollitt asked if the item should be tabled so the resolution and the contractual document can be reviewed. Spadoni stated that there is no need to table the item since the applicants have been working for more than a year on the proposal. Thorpe stated that if approved, no building permits will be issued until the Village receives the agreement or permission document from the Abbey Resort Condominium Hotel Association that authorizes the Abbey Harbor Condominium Association to locate the gas tank on its property.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Resolution 06-07-10-03 as presented, with the condition that an agreement or permission document from the Abbey Resort Condominium Hotel Association that authorizes the Abbey Harbor Condominium Association to locate the gas tank on its property is filed with the Village, and the Roll Call vote followed:

Trustee McGreevy – Aye

Trustee Pollitt – Aye

Trustee Wilson – Aye

Trustee O’Connell – Aye

Trustee Spadoni – Aye

President Petersen – Aye

The MOTION carried on a 6-0 vote.

Moratorium Resolution

Thorpe stated that he researched the proposal to establish a moratorium on applications for zoning amendment and platting issues during the rewriting project for Chapters 17 and 18 of the Municipal Code and there are new state statutes since the Village enacted a similar moratorium in 2007. Thorpe stated that the Village needs to publish a Class II Notice announcing a required public hearing before the Plan Commission and Village Board. The notice has to be published twice, with the first notice published at least three weeks prior to the hearing date. Martin was directed to contact the Village Board and Plan Commission members to schedule a joint meeting.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

CDA – President Petersen

Resolution Certifying Referendum Question for September 14, 2010 Election

Petersen stated that the proposed referendum question has been approved by the CDA and the FROG organization.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve Resolution 06-07-10-04, certifying a referendum question for the September 14, 2010 Partisan Primary Election, as presented, and the MOTION carried without negative vote.

Frontier Flowers Façade Improvement Program Application

Petersen stated that the CDA approved a motion at its June 2, 2010 meeting to approve the Façade Improvement Application as filed by Renee Cerny for Frontier Flowers, 531 Valley View Drive, for 25 percent of the \$38,900 allocated for the façade and new sign on the building.

President Petersen/Trustee McGreevy 2nd made a MOTION to approve the Façade Improvement Application filed by Renee Cerny for Frontier Flowers, 531 Valley View Drive, for 25 percent of the \$38,900 allocated for the façade and new sign on the building, as recommended, and the MOTION carried without negative vote.

Additional Spring Diversion Proposal for Fontana/Walworth Pedestrian Path

Workman stated that another spring has popped up and if the water is not addressed, the path will be adversely affected. Workman stated that the springs that popped up during the initial construction period have been addressed; however, a new one popped up last fall. Workman stated there are three areas that need to be addressed to have the standing water diverted from the path area. The proposed work includes excavating the spring area and installing 3-inch limestone riprap; installing 6-inch drain tile from the riprap to the east side of the path; and installing 12-inch RCP or PVC piping under South Main Street and into the Fontana Fen. Workman stated that Mann Brothers submitted a quote for \$14,130 to complete the project, and D&K Services submitted a quote for \$6,900 to complete the project. Petersen stated that the CDA approved a motion at its June 2, 2010 meeting to approve the

low bid of \$6,900 submitted by D&K Services Utility Contractors, LLC, Lyons. O'Connell asked if the work should have been completed by the initial project contractor. Workman stated that the spring popped up after the construction was completed. Pollitt asked if the Village of Walworth would be funding any of the additional expense. Workman stated that the Village of Walworth's financial commitment for the project has been reached and the portion of the path that is being affected is in the Village of Fontana.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the low bid of \$6,900 submitted by D&K Services Utility Contractors, LLC, Lyons, for the additional spring diversion work, as recommended, and the MOTION carried without negative vote.

TID Eligibility of Pottawatomi Storm Water Projects

President Petersen stated that the CDA attorney, Hank Gempeler has indicated that the Joint Review Board should be convened to make a determination on the eligibility of the Pottawatomi Creek storm water projects. The CDA approved a motion at its June 2, 2010 meeting to direct Village staff to convene the Joint Review Board to seek approval for the Pottawatomi Creek storm water management projects that fall within one-half mile of the TID boundaries, and if approved by the Joint Review Board, authorize the Village engineering firm Ruekert-Mielke to move forward with the design planning on the Big Foot Country Club storm water detention pond project in conjunction with the Big Foot Country Club engineer and architect, with the condition that a developer's agreement on the design engineering for the project is reached between the CDA and Big Foot Country Club. The Village Board approved the engineering contract with Ruekert-Mielke last month subject to CDA Board approval.

Joint Review Board Members Appointment

The Village of Fontana public representative was Jackie Berg and the Village of Fontana government representative was Dan Green that last time the board was convened in September 2008.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to reappoint Jackie Berg to the Village of Fontana public representative position and Dan Green to the Village of Fontana government representative position on the Tax Incremental Finance District No. 1 Joint Review Board, and the MOTION carried without negative vote.

Park Commission – Trustee Wilson

Proposal for Pioneer Park Wall Repairs

Wilson stated that the Park Commission approved an offer from Micki O'Connell to fund a \$400 proposal from Cook Masonry, LLC to repair the crumbling wall in Pioneer Park.

Trustee Wilson/Trustee McGreevy 2nd made a MOTION to approve the proposal for Micki O'Connell to fund the \$400 proposal form Cook Masonry, LLC to repair the wall in Pioneer Park, and the MOTION carried without negative vote. Trustee O'Connell abstained.

Mohr Road Park Sign Quote

Wilson stated that the Park Commission recommended approval of the \$335 bid submitted by Timberline Signs to create and erect a new Village park sign at the public access point for the Geneva Lake shore path at the end of Mohr Road.

Trustee O'Connell/Trustee Spadoni 2nd made a MOTION to approve the \$335 bid submitted by Timberline Signs to create and erect a new Village park sign at the public access point for the Geneva Lake shore path at the end of Mohr Road. The MOTION carried without negative vote.

Ordinance Amendment to Allow Overnight Camping Events at Duck Pond

Wilson stated that the Park Commission favored the proposal to allow for Boy Scout overnight camping outings at the Duck Pond Recreation Area, with approval to be considered by the Park Commission and Village Board on a case-by-case basis. The ordinance drafted to authorize the Park Commission recommendation also included a clause that would allow for residents and property owners to have tents erected on their lots for a period of time not to exceed 48 hours to allow for overnight camping on no more than three occasions per year for the purpose of accommodating the property owner's or resident's family members or guests. Following a lengthy discussion on camp fires, camping regulations and the gate at the Duck Pond, Trustee Pollitt stated that she is not in favor of the proposal. Trustee McGreevy stated that it would not be a good idea to have the gates to

the Duck Pond Recreation Area open all night when camping events are being held. Trustee Pollitt/President Petersen 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Flag Purchase for Fontana Boulevard

Wilson stated that the Park Commission voted to approve the \$500 purchase of additional U.S. flags for the new light poles on Fontana Boulevard, to match the flags on Highway 67, with the money to be taken from the Pioneer Park fund. Trustee McGreevy made a motion to approve the proposal; however, Hayden stated that approval from the Village Board is not necessary for the item.

Park Permit Applications Filed by Big Foot Ball & Glove Program, Duck Pond Fields, Monday through Friday Until End of July 2010, 5:00 PM to 6:30 PM; Walworth Girl Scout Troop 3273, Duck Pond Pavilion Outdoor Area, Monday, June 7, 2010, 6:00 to 8:00 PM; Big Foot Recreation Department, Park House, Fridays, July 9, 16 and 23, 2010, 9:00 AM to 6:00 PM; Big Foot High School Class of 1985 Reunion, Duck Pond Pavilion, Saturday, August 21, 2010, 10:00 AM to 3:00 PM

Wilson stated that the Park Permit applications were reviewed by the Park Commission and approval was recommended.

Trustee Pollitt/Trustee Spadoni 2nd made a MOTION to approve the Park Permit applications filed by Big Foot Ball & Glove Program, Duck Pond Fields, Monday through Friday until the end of July 2010, from 5:00 to 6:30 pm; Walworth Girl Scout Troop 3273, Duck Pond Pavilion Outdoor Area, Monday, June 7, 2010, from 6:00 to 8:00 pm; Big Foot Recreation Department, Park House, Fridays, July 9, 16 and 23, 2010, from 9:00 am to 6:00 pm; and Big Foot High School Class of 1985 Reunion, Duck Pond Pavilion, Saturday, August 21, 2010, from 10:00 am to 3:00 pm. The MOTION carried without negative vote.

Highway 67 Street Tree Replacements

Wilson stated that it was reported at the last monthly meeting of the Park Commission that Workman was going to meet with Tom Vanderpoel to discuss the Highway 67 trees that have had trouble surviving. Workman stated that he met with Vanderpoel and he has made suggestions to replace the problem trees. Workman stated that he will present the recommendations made by Vanderpoel to Brad Drefcinski for his review and recommendation. Workman stated that the trees that are not surviving are beyond the warranty terms, and the new trees will cost about \$4,500. Following discussion, the Village Board members reached a consensus that Workman should solicit more quotes for the replacement trees and present them to the Park Commission for a recommendation. Spadoni stated that he wanted to make a motion to authorize an amount not to exceed \$4,500 to purchase the replacement trees. In response to a question about the funding, Wilson stated that the Park Commission has not determined where the funds will be derived, but the project is not in the budget. Pollitt stated that the Village Board should know where the funds are coming from before they authorize the project. Pollitt stated that she has no problem with the proposal to replace the dead trees; however, the Village Board should know where the funds will be allocated from in the approved budget prior to approving spending proposals. O'Connell asked if the funds could be allocated from the Village's Tree Replacement Fund. McCarthy stated that the account has a balance of about \$15,000. Hayden stated that the fund was established in the Tree Ordinance for the purpose of purchasing trees for Village property, so the funds could be allocated for the project.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to authorize an amount not to exceed \$4,500 to be taken from the Tree Replacement Fund to purchase replacement trees for Highway 67, and the MOTION carried with one negative vote cast by Trustee Pollitt.

Lakefront and Harbor – Trustee O'Connell

Country Club Estates Association Contract Renewal Recommendation & Beach and Bridge Maintenance Items – Tabled 5/3/10

O'Connell stated that the amendment to the lease agreement that Thorpe drafted does not accurately reflect the Lakefront and Harbor Committee's recommendation for a five-year term, with three five-year renewal periods for the renewed lease between the Village of Fontana and the Country Club Estates Association. Also the lease agreement needs to reflect that wave runners are allowed on the

pier slips, but not on any of the ramps. With regard to the bridge maintenance and repair issues, Workman stated that he has not yet received quotes for the work.

Trustee O'Connell/Trustee Spadoni 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Finance Committee – Trustee Kenny

Update on RFPs for Village Services

Hayden stated that the draft RFPs were distributed to the Finance Committee and are being review for one month.

Report on Quarterly Reviews

Hayden stated that the committee conducted first quarter reviews of the department budgets at its last monthly meeting.

Room Tax Comparison

Hayden stated that the Village will be mailing out information on the room tax requirements to the property owners in the Village who have property that can be rented out on a short-term basis. Hayden stated that the Village also is reviewing room tax records for the last several years that were recently supplied by the Abbey Springs Association.

F/W WPCC – President Petersen

Ordinance Adopting 11th Amendment to IGA and Sixth Amendment to Kikkoman Contract

Petersen stated that the ordinance was not presented last month when the amendments received approval.

President Petersen/Trustee Spadoni 2nd made a MOTION to approve Ordinance 06-07-10-04, adopting the 11th amendment to the Fontana-Walworth Joint Sewerage Treatment Agreement and the sixth amendment to the Kikkoman Contract, as presented, and the MOTION carried without negative vote.

Environmental Committee – Trustee Kenny

Controlled Burn Request Submitted by Abbey Ridge – Tabled 5/3/10

Petersen stated that it is too late in the year for a controlled burn.

Trustee Pollitt/Trustee McGreevy 2nd made a MOTION to take the item off the agenda, and the MOTION carried without negative vote.

Adjournment

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to adjourn the Village Board meeting at 7:47 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, village clerk

Note: These minutes are subject to further editing. Once approved by the Village Board, the official minutes will be kept on file at the Village Hall.

APPROVED: 7/6/10